



## **WRITTEN TESTIMONY ON HOUSE BILL 4001**

House Oversight Committee

Michael J. Reitz, Executive Vice President, Mackinac Center for Public Policy

The purpose of Michigan's Freedom of Information Act is to provide individuals with full and complete access regarding the affairs of government. As FOIA states: "The people shall be informed so that they may fully participate in the democratic process."

Transparency should not be viewed as a burden on public bodies, but as a core duty that enhances the quality of governance and the people's confidence in the actions of their public officials. Any amendments to FOIA should be guided by a commitment to accountability in government.

House Bill 4001 addresses legitimate problems with the administration of FOIA by state and local government bodies.

Unfortunately, exorbitant fees assessed by a public body can be used to deny citizens the appropriate access to records. For example, in 2009 the Mackinac Center requested records related to the State Police's administration of federal Homeland Security grant money. The State Police sent the Center a bill for \$6.8 million. While this example is extreme, it illustrates one of the problems that individuals encounter when requesting public records. In another request, the State Police charged the Center \$11 per page for a document. High fees and costs undermine FOIA's stated public policy goal of providing full and complete information regarding the affairs of government.

The Mackinac Center applauds the effort to standardize copying costs so public bodies and requesters can anticipate costs associated with a request. Additionally, the fee reduction for late responses is useful for encouraging prompt action by public bodies. Mandating a recovery of attorney fees and costs for a party who partially prevails in litigation will further serve to encourage agencies to comply with FOIA.

Thank you for the opportunity to submit written testimony and for your consideration of House Bill 4001.